IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 549/2002

JAIRAM Vs. STATE OF RAJASTHAN & ORS.

Date of order: 17.04.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. Biri Singh for the complainant-petitioner.
Mr. Jainendra Jain, Public Prosecutor for the State.

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No body appeared on behalf of the accused-respondents despite service.

The present criminal revision petition under Section 397 r/w Section 401 Cr.P.C. is preferred by the complainant-petitioner against the order dated 18.05.2002 passed by the Additional District & Sessions Judge, Bandikui in Criminal Revision No. 12/2002, whereby the Revisional Court has set-aside the cognizance order dated 14.12.2001 passed by the Judicial Magistrate, Sikrai. The trial Court has allowed the protest petition filed by the petitioner and disallowed the FR and took cognizance against the accused-respondents for the offence under Sections 323, 447 and 352 IPC.

I have heard learned counsel for the petitioner, learned Public Prosecutor for the State and have also gone through the orders passed by the trial

Court and the Revisional Court and carefully perused the relevant record.

The Revisional Court has seriously erred in not properly considering the aspects which have been thoroughly considered by the trial Court. The trial Court after considering each and every aspect has arrived at a conclusion that prima-facie case for the offence under Sections 323, 447 and 352 IPC is made out against the accused-respondents. Thus, the Revisional Court has exceeded its jurisdiction and at the stage of taking cognizance, contrary to the law settled has quashed and set-aside the order of the trial Court dated 14.12.2001, by which cognizance was taken against the accused-respondents for the aforesaid offences.

Consequently, as per the settled preposition of law, I find illegality and error apparent on the face of the record in the impugned order dated 18.05.2002 passed by the Revisional Court and the same is hereby quashed and set-aside.

The revision petition stands allowed accordingly.

Record be sent back forthwith.

(K.S. RATHORE),J.

/KKC/